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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,262	12/27/2000	Yoshiyuki Namizuka	201370US2	4799
22850	7590	09/27/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			GRANT II, JEROME	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,262

Applicant(s)

NAMIZUKA ET AL.

Examiner

Jerome Grant II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9-16-04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

JEROME GRANT II
PRIMARY EXAMINER

Detailed Action

1.

Claims 14-20 and 18-20 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 1-7 and 5-7 respectively. . When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claims 8-10 and 11-13 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 21-23 and 24-26 respectively. . When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 7, 15, 20 and 27-32 rejected under 35 U.S.C. 102(e) as being anticipated by Shimamura.

With respect to claims 1 and 20, Shimamura teaches an image processing apparatus (shown by figure 1) comprising: an image data control unit (CPU 1) connected to at least one an image reading unit 3 for reading image data, image memory control unit 9 for controlling image memory 10 so as to write or read image data in or from the image memory, an image processing unit 6 for subjecting image data to image processing such as editing, d) an image writing unit CPU 1 and RAM 5 for writing image data onto a recording medium, and e) an image data transmission/reception unit transmission control 12 for transmitting and receiving image data with an external device, said image data control unit receiving first image data read-in by said image reading unit, and/or second image data read-out said image memory control unit, and/or third image data subjected to image processing by said image processing unit, and/or fourth image data received said image data transmission/reception unit, and said image data control unit transmitting the first image data and/or the second image data and/or the third image data and/or the fourth image data to said image memory control unit and/or said image processing unit and/or said

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image writing unit and/or said image data transmission/reception unit; and a switching unit (operation panel 15) which provides controls for switching an access right to a path to be used when image data is transmitted or received between said image data control

With respect to claims 2 and 15, Shimamura teaches an image processing, wherein said image memory control unit subjects the image data to be written in or the read-out processing such as editing. See processor 6.

With respect to claim 7, Shimamura teaches wherein the switching unit 15, controlled by a user, and said image processing unit 6, controlled by a CPU 1, are controlled by different units.

With respect to claim 27, Shimamura teaches an image processing method (performed by the apparatus of figure 1) comprising the method of:

An image data receiving step of receiving multiplexed image data from any one or plural processing units to perform different processing on image data such as reading (scanner 3), storage (memory 10) image processing (unit 6), writing (unit 9 or 13) or transmission (unit 12); an image control information (via CPU 1) for acquiring image data control information; a target processing unit determining step (ROM and CPU 1) of determining a target processing unit (any of 3, 6, 9, 12 or 13) to which the image data received, based on control information as claimed; and a transmitting step (transmitting any one of units 3, 6, 9, 12 or 13) back to CPU via ROM 2.

With respect to claim 28, Shimamura teaches an image processing method (performed by the apparatus of figure 1) comprising the method of:

An image data receiving step of receiving multiplexed image data from any one or plural processing units to perform different processing on image data such as reading (scanner 3) , storage (memory10) image processing (unit 6), writing (unit 9 or 13) or transmission (unit 12) ; an image control information (via CPU 1) for acquiring image data control information; a target processing unit determining sep (ROM and CPU 1) of determining a target processing unit (any of 3, 6, 9, 12 or 13) to which the image data received , based on control information as claimed; and a transmitting step (transmitting any one of units 3, 6, 9, 12 or 13) back to CPU via ROM 2; an extracting step for extracting multiplexed data – this limitation is inherent with respect to the timing window unique to any of multiple units mentioned above. The number of bits . are assigned to communicate with the CPU 1 regarding image data communicated thereto.

With respect to claim 29, Shimamura teaches an image processing method (performed by the apparatus of figure 1) comprising the method of:

An image data receiving step of receiving multiplexed image data from any one or plural processing units to perform different processing on image data such as reading (scanner 3) , storage (memory10) image processing (unit 6), writing (unit 9 or 13) or transmission (unit 12) ; an image control information (via CPU 1) for acquiring image data control information; a target processing unit determining sep (ROM and CPU 1) of

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determining a target processing unit (any of 3, 6, 9, 12 or 13) to which the image data received, based on control information as claimed; and a transmitting step (transmitting any one of units 3, 6, 9, 12 or 13) back to CPU via ROM 2; a multiplexing step of multiplexing image data (this is inherent by operation of the CPU 1 which is clocked to transmit and receive control data from multiple operation units. And a transmitting step (transmitting any one of units 3, 6, 9, 12 or 13) back to CPU via ROM 2; an extracting step for extracting multiplexed data – this limitation is inherent with respect to the timing window unique to any of multiple units mentioned above. The number of bits are assigned to communicate with the CPU 1 regarding image data communicated thereto.

With respect to claim 30, Shimamura teaches a computer readable medium (ROM 2) for storing instructions which are executed by a computer to perform: An image data receiving step of receiving multiplexed image data from any one or plural processing units to perform different processing on image data such as reading (scanner 3), storage (memory 10) image processing (unit 6), writing (unit 9 or 13) or transmission (unit 12); an image control information (via CPU 1) for acquiring image data control information; a target processing unit determining step (ROM and CPU 1) of determining a target processing unit (any of 3, 6, 9, 12 or 13) to which the image data received, based on control information as claimed; and a transmitting step (transmitting any one of units 3, 6, 9, 12 or 13) back to CPU via ROM 2.

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With respect to claim 31, Shimamura teaches a computer readable medium ROM 2 for storing instructions for the purpose claimed. Furthermore, Shimamura teaches an image processing method (performed by the apparatus of figure 1) comprising the method of:

An image data receiving step of receiving multiplexed image data from any one or plural processing units to perform different processing on image data such as reading (scanner 3) , storage (memory10) image processing (unit 6), writing (unit 9 or 13) or transmission (unit 12) ; an image control information (via CPU 1) for acquiring image data control information; a target processing unit determining step (ROM and CPU 1) of determining a target processing unit (any of 3, 6, 9, 12 or 13) to which the image data received , based on control information as claimed; and a transmitting step (transmitting any one of units 3, 6, 9, 12 or 13) back to CPU via ROM 2; an extracting step for extracting multiplexed data – this limitation is inherent with respect to the timing window unique to any of multiple units mentioned above. The number of bits . are assigned to communicate with the CPU 1 regarding image data communicated thereto.

With respect to claim 32, Shimamura teaches a computer readable medium (ROM 2) for storing instructions when executed by a computer to that the following is performed: an image data receiving step of receiving multiplexed image data from any one or plural processing units to perform different processing on image data such as reading (scanner 3) , storage (memory10) image processing (unit 6), writing (unit 9 or

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13) or transmission (unit 12) ; an image control information (via CPU 1) for acquiring image data control information; a target processing unit determining step (ROM and CPU 1) of determining a target processing unit (any of 3, 6, 9, 12 or 13) to which the image data received , based on control information as claimed; and a transmitting step (transmitting any one of units 3, 6, 9, 12 or 13) back to CPU via ROM 2; a multiplexing step of multiplexing image data (this is inherent by operation of the CPU 1 which is clocked to transmit and receive control data from multiple operation units. And a transmitting step (transmitting any one of units 3, 6, 9, 12 or 13) back to CPU via ROM 2; an extracting step for extracting multiplexed data – this limitation is inherent with respect to the timing window unique to any of multiple units mentioned above. The number of bits . are assigned to communicate with the CPU 1 regarding image data communicated thereto.

2.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimamura.

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Shimamura teaches all of the subject matter upon which the claim depends except that it does not teach where the image is rotated or scaled.

Panel 15 of Shimamura is an output means for outputting "other instructions" according to col. 2, line 67. It would have been obvious to one of ordinary skill in the art that the other instructions could be or would have been an instruction to rotate the image or change its scale as the data is read out of the memory address. Since, Shimamura already accommodates that other instructions can be used, the instruction of changing the rotation or scale of the image as it is being read would have been recognized by one of ordinary skill in the art by the manner in which data is read out of the image memory.

image data to image The image processing apparatus according to claim 2, wherein said image memory control unit subjects the image data to be written or the read-out image data to the processing for rotation of the image. The image processing apparatus according to claim 2, wherein said image memory control unit subjects the image data to be written or the read-out image data to the processing for scaling the image.

3.

Claims Objected

Claims 5 , 6 , 18 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

4.

Claims Allowed

Claims 8-13 and 21-23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 8-10 and 21-23 are allowed for the reason the prior art does not teach or suggest in claimed combination, "... a multiplexing control unit which, when image data to be transmitted to said image data control unit conflicts with one another, multiplexes the image data in conflict with one another. "


Claims 11-13 are allowed for the reason the prior art does not teach or suggest in claimed combination, "... a multiplexing control unit which, when image data to be transmitted to said image data control unit conflicts with one another, multiplexes the image data in conflict with one another..."

5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II


JEROME GRANT II
PRIMARY EXAMINER